

Patent  
674537-2001**REMARKS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the a remarks herewith, which place the application into condition for allowance.

**I. STATUS OF CLAIMS AND FORMAL MATTERS**

Claims 65-83 and 90 are pending in this application. Claims 65, 66, 73, 75, 77, 79 and 83 have been amended; claim 90 has been added; claims 1-64 and 84-89, drawn to non-elected subject matter, have been cancelled. Applicants retain the right to file continuing applications directed to non-elected subject matter. The Examiner is thanked for indicating that claims 66, 67, 69-80 and 83 are allowed.

The amendments to allowed claims 66, 73, 75, 77, 79 and 83 place these claims in independent form, reciting all of the limitations of the previous base claim. Support for the amendment to claim 65 can be found in Figure 3, which depicts direct linkage between the binding region and the constant region, and on page 7, line 31 of the specification. No new matter is added.

It is submitted that the claims, herewith and as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. The amendments of and additions to the claims, as presented herein, are not made for purposes of patentability within the meaning of 35 U.S.C. §§§§ 101, 102, 103 or 112. Rather, these amendments and additions are made simply for clarification and to round out the scope of protection to which Applicants are entitled. Furthermore, it is explicitly stated that the herewith amendments should not give rise to any estoppel, as the herewith amendments are not narrowing amendments.

**II. THE REJECTION UNDER §102 IS OVERCOME**

Claims 65, 68, 81 and 82 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Zanetti *et al.* The rejection is traversed.

The complex of the instant invention comprise an antibody or biologically active fragment thereof and a bifunctional molecule comprising a binding region and a constant region, which are either linked directly or are separated by a linker molecule of 1-20 amino acids. This complex is distinct from that of Zanetti, wherein the binding region is inserted into the variable

Patent  
674537-2001

region of the heavy chain of an immunoglobulin. Therefore, in Zanetti, the binding region is not in direct linkage, or even linked by 1-20 amino acids, with the constant region of the immunoglobulin, but is some distance away, in the variable region.

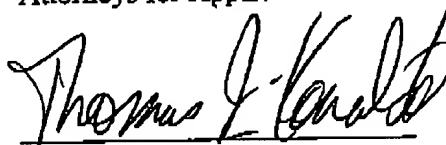
Accordingly, the complex described by Zanetti does not fall within the scope of the present application. Indeed, the complex defined in claim 65 is clearly novel over the complexes disclosed in the cited art. The cited references do not teach, suggest, or enable a bifunctional molecule in which the immunoglobulin constant region is directly or closely (i.e. within 20 amino acids) linked to the binding region. Therefore, reconsideration and withdrawal of the Section 102 rejection are believed to be in order and such action is respectfully requested.

### CONCLUSION

In view of the remarks and amendments herewith, the application is believed to be in condition for allowance, or at least in better condition for appeal. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited. The undersigned looks forward to hearing favorably from the Examiner at an early date.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants



Thomas J. Kowalski  
Reg. No. 32,147  
(212) 588-0800